

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, December 7, 2021, at 7:00 p.m., with the following members present:

Tony Wood	Hank Guess	
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present except Alderman Williams.
- II. Invocation by Reverend Charles Kyker, Christ United Methodist Church
- III. Pledge of Allegiance
- IV. Election of Mayor Pro Tempore for Calendar Year 2022 Pursuant to NC General Statute §160A-70 and Section 2-54 of the Hickory City Code

Mayor Guess moved, seconded by Alderwoman Patton approval of Alderman Wood as Mayor Pro Tempore for Calendar Year 2022. The motion carried unanimously.

City Clerk Debbie Miller administered the Oath of Office to Alderman Wood as Mayor Pro Tempore for Calendar Year 2022.

Mayor Guess thanked Alderwoman Patton, Ward 6 Representative, who had served as Mayor Pro Tempore for the past year.

- V. Appointment of City Attorney for Calendar Year 2022 Pursuant to the Hickory City Code, Section 4.151 of the Charter

Mayor Guess moved, seconded by Alderman Seaver reappointment of Attorney John Crone III as the City Attorney for Calendar Year 2022. The motion carried unanimously.

City Clerk Debbie Miller administered the Oath of Office to Attorney John Crone as City Attorney for Calendar Year 2022.

Mayor Guess thanked City Attorney John Crone for his many years of service and for his continued service to Council.

- VI. Special Presentations

- A. Business Well Crafted Award Prestation to Shurtape – Presentation by Community Development Manager Karen Dickerson.

Mayor Guess asked Community Development Manager Karen Dickerson to the podium to present a very special award on behalf of the City of Hickory.

Community Development Manager Karen Dickerson advised on November 2<sup>nd</sup>, the Business Development Committee and the Hickory City Council honored six recipients of the 2021 Business Well Crafted Awards for their commitment and support of the City's vision for economic development. Representatives from Shurtape were unable to attend that ceremony. Therefore, they were being honored tonight. She gave Council some highlights of Shurtape. They were headquartered in Hickory. They were a leading manufacturer and marketer of adhesive tape and consumer home and office products with facilities in the United States and numerous other countries. Together its subsidiaries serve numerous markets including industrial, building and construction, packaging, arts, entertainment, medical, home and office, and many more. In addition to specialty adhesive solutions, Shurtape offers products under recognizable brands such as Duck, Frog Tape, Painter's Mate, Shurtape, T-Rex and Kip. Shurtape remained a strong supporter of the City of Hickory's economic development vision through focus on people, infrastructure, and community. The company continues to cultivate its operations in Hickory through ongoing and planned future investments in physical infrastructure, as well as continued growth and nurturing of its Hickory based workforce who work in the company's various manufacturing plants, and corporate and administrative offices. Shurtape also supported the local arts community and the K-64 educational initiative to enhance the quality of life in the Hickory area. She asked Ms. Janna Chilton to the podium to accept the award on behalf of Shurtape. Photos were taken.

Ms. Janna Chilton commented on behalf of Shurtape they have over 800 employees that work in Hickory proper and about 900 in the surrounding community. She thanked Council for the recognition of the award, they really appreciated it. They were very, very proud to call Hickory their global headquarters and their home. They were very proud of that and have a deep, deep history here. She thanked everybody on the City Council for

making it a better and better City to attract employees. Speaking as the HR person, thank you. Hickory was a great place to live, it's a great place to work. She thanked Council for their part and for the recognition.

Mayor Guess thanked Ms. Chilton.

B. Annual Audit – Presentation by Kari Dunlap, Martin Starnes & Associates

Mayor Guess asked Kari Dunlap with Martin Starnes & Associates to the podium for the annual audit presentation.

Ms. Kari Dunlap presented a PowerPoint presentation. She thanked Council for allowing her to be here again this year. She enjoyed sharing the results with them every year and advised they could let her know if they had any questions as she went through. She gave a brief description of their audit process. They begin with the planning and risk assessment and that was ongoing year-round. They send all of the Council members inquiries if they had any concerns, anything they should address as part of their audit, and they would tailor their audit procedures based on those. Then they have their fieldwork procedures where they do internal controls, compliance testing, that was what they do mostly in the Spring, and then in the Summer they come back and do the balance sheet analysis and really dig into the general ledger and the source documents and tie everything into the financial statements for the audit report. Once all that was complete, they have their audit committee meeting and the audit committee includes Hickory Staff as well as Council members where they dive into the financial statements and answer any questions and go through the results. They issue the audit report to the LGC (Local Government Commission) after that meeting was complete and then they have the presentation to City Council.

Ms. Dunlap discussed a few other audit highlights. There was an unmodified opinion on the financial statements and on compliance and that was the goal of the audit. That meant there was no reason to think there were any material misstatements in the financials. A very cooperative stuff. They have tons of requests throughout the year whether they were on site and whether they were in the office, and they very much appreciated having the City as clients because their office was right down the street. That was very nice for them, and they really appreciated all the finance staff. Melissa Miller and Cameron McHargue go above and beyond to make sure that they make it as smooth on their end as possible. They appreciated that very much.

Ms. Dunlap discussed the General Fund including the Capital Reserve Fund. They had a fund balance increase this year of \$311,000. The available fund balance was the calculation that the LGC used to compare the City to other similar population municipalities. That went down. Total fund balance went up but available fund balance and unassigned went down this year because of planned encumbrances and restrictions on those fund balance numbers. They would see a slight decrease in those numbers this year. The available fund balance percentage, divided by the total expenditures and transfers out went from 43 to 42.8. The minimum of this metric that the LGC wants the city was 25 percent, so the City was well above that minimum, and they use that 25 percent as three months of expenditures. The City had more than that in available fund balance. She referred to the PowerPoint and showed a snapshot of the City's total fund balance in the General Fund and that total number, the \$37 million, included the City's Capital Reserve Fund. She pointed out on the slide \$15 million which was the City's unassigned. The difference in those two was any kinds of restrictions that were in place. City Council's goal of that \$15.6 million was for that to be 25 percent of their adopted budget and this year it was 27 percent. They were still within that goal, even though that unassigned number actually decreased. But again, that was due to planning of the restricted numbers. She summarized the General Fund. The revenues decreased one million or about two percent this year and then expenditures decreased \$598,000 or one percent, very small decreases over the prior year.

Ms. Dunlap referred to the PowerPoint and discussed the City's top three revenues. Ad valorem taxes went up \$1.3 million or four percent this year. There was a tax base growth, which was always something that they wanted to achieve. This number included penalties and delinquent tax payments as well. Other taxes also increased. It was \$1.8 million or about ten percent this year. This included all of the City's local option sales tax, franchise tax, and occupancy tax, which they knew that the later-half of 2020 was affected by COVID-19 and luckily 2021 seems to have bounced back well within what was expected. The last largest source of revenue was restricted intergovernmental, which included all of the City's State local grant dollars, and Powell Bill. They would see this one dropped this year, but that was because of the coronavirus relief funds that were received in 2020. That money was not in 2021. But this number again would jump next year for 2022 because of the funds that were coming in. These were subject to change from year to year, but as long as they were increasing next year, that was a good thing.

Ms. Dunlap referred to the PowerPoint and discussed the City's top expenditures. Public safety was the largest expenditure for the City. That increased \$938,000 or about four percent and there were some capital outlay expenditures that were purchased this year. The next largest expenditure was general government and that went up to 9.7 this year, it

was a \$2.9 million increase or about 43 percent, but the reason for that was because \$2.4 million of landscape services actually moved into the general government from the culture and recreation department and that was all budgeted. That looked very large, but that was the reason why. The landscape services included all of the City's park maintenance and parks. The next largest expenditure was transportation. This had a very small decrease \$224,000 about four percent and that was due to vacant positions in the street and traffic departments this year.

Ms. Dunlap referred to the Power Point and discussed the City's enterprise funds. The quick ratio for the water and sewer fund went down slightly this year, but that was due to capital project expenditures that were planned. The LGC was only concerned with this number if it went below one. She pointed out it went from eight down to seven which was still well above one. No concerns there. She advised another metric that the LGC looked at for the water and sewer fund to compare the City to others. She noted these numbers were very strong. There was a small increase in the operating net income and the unrestricted cash divided by total expenses also increased. These numbers would only be concerning to the LGC if the top number was negative, and the bottom number was under 16 percent. She advised they could see there was plenty of room there. She discussed the other two enterprise funds. The transportation fund was the airport fund. The unrestricted cash was at 2.2, that increased \$1.6 million over last year. That had a very strong revenue increase this year. There were cargo planes with additional revenue and hangar activity, and they also moved property tax into the airport fund so that would be housed there going forward. The solid waste fund had some small increases in cash about \$297,000, and there were no transfers into the solid waste fund, it was self-sufficient again this year. This year the LGC required certain performance indicators to be shared in the Council meeting. There was a timely audit submission which was something they were always looking for; stable property tax evaluation and collection percentage. Those were very good indicators that nothing popped out that would be concerning to the LGC. She discussed a couple of audit findings that happened this year. There was one for a significant audit adjustment finding that was a material weakness and that was saying there was an adjustment that may have gone undetected had it not been for the audit, and it was related to cash debt entries. They had all been fixed and were reflected in the financial statements. The cash reconciliation finding was a material weakness as well. That was due to not anything concerning the timeliness of the cash reconciliations but just that there were some issues tying to the general ledger source documents. Both of these had been corrected. They did not expect them to be repeated next year. There were just some issues going on that everyone was aware of, and they had all talked about. If there were any questions Council had on those, they could let her know. The most important part was they do not think that was going to happen again. She concluded her presentation and asked Council for any questions.

Mayor Guess asked if anyone on Council had any questions. He explained that they have an audit committee, which included Mayor Guess, Alderman Wood, and Alderman Seaver, and of course some members of staff. They had already met with Ms. Dunlap and had already discussed these items and any concerns that they may have prior to this. He asked if anyone on Council or staff had any questions or concerns related to Ms. Dunlap's presentation. He thanked Ms. Dunlap and Martin Starnes for the relationship and the partnership that they had over the years. As they hear from staff and talked to staff, they agreed that it was a mutual professional relationship, and they greatly appreciate that.

Ms. Dunlap thanked Council.

## VII. Persons Requesting to Be Heard

- A. Mr. Cliff Moone, 4340 North Center Street, Unit 304, Hickory, thanked Reverend Kyker for his prayer this evening, especially in remembrance of December 7<sup>th</sup> Pearl Harbor Day and all the other aspects of it as well. He advised what he was about to say was not an issue. It was that time of year for him because this week coming up was both Human Rights Day and Bill of Rights Day was coming up before them and also because of today being such a special day. In honor of all World War II veterans and in particular his father Walter C. Moone Jr. who served honorably from 1943 to 1945, he publicly acknowledged the 80<sup>th</sup> Anniversary of the attack on Pearl Harbor which brought our nation into the most historic conflict ever so far against authoritarianism and truly preserve democracy and freedom for the last 80 years. It was so important that they never forget what this generation of Americans fought and died for. Secondly though, he was somewhat disappointed to not find in tonight's consent agenda any acknowledgement of two other dates which this Council had regularly commemorated annually, December 10<sup>th</sup> Human Rights Day, and December 15<sup>th</sup> Bill of Rights Day. He hoped they would rectify that again next year as they had always given recognition to those very important days and their consideration of them and in particular tonight with the taking of oaths here to the constitutions of the United States and North Carolina. He knew them all so well that he knew they all reflected on these things more than just swearing to them and think about them. We are presently living however, in an era of political turmoil and uncertainty that has some citizens questioning whether representative democracy can meet the difficulties and challenges of these times or even whether our system of government was still viable and could survive long term. These were concerns and questions raised seriously in the 1930s, in the years leading up to December 7, 1941. How we now face and respond to such recurring challenges to representative Republican government

was yet to be determined for our generation. He wished to make part of the public record tonight was that despite all the media hype about the discord nationally, as long as citizen representative Councils such as this one continues to display the virtues of participatory citizen democracy and a conscious awareness of the oath to the constitution taken by each of them, as well as by those of us provided the opportunity by Council to serve on the City's boards and commissions, then he believed the foundations upon which represented democracy rest would remain strong. He recently expressed to the members of his Homeowners Association that these foundations of democracy were established and continued to be best exemplified not in the Congress or even in State legislatures, but rather in the multitude of City Councils, school boards, service clubs, church councils, other associations and yes, even HOA's. He commented as a citizen, he wanted to say thank you to each of them because by their service in elective office and the civic involvement, which they enable for others like him, and many others present and throughout the community that they were living examples of what American self-governance had always been and always should be about. He thanked Council.

Mayor Guess thanked Mr. Moone. He asked if anyone else wished to address the Council. No one else appeared.

VIII. Approval of Minutes

A. Regular Meeting of November 16, 2021

Alderman Seaver moved seconded by Alderman Zagaroli that the Minutes of November 16, 2021, be approved. The motion carried unanimously.

IX. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderman Patton moved seconded by Alderman Seaver that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Budget Revision Number 9. (First Reading Vote: Unanimous)

B. Proposed Amendments to Chapter and/or Chapter Sections of the Hickory Code of Ordinance based upon Requirements of Senate Bill 300 (S.L. 2021-138). (First Reading Vote: Unanimous)

C. Rezoning Petition 21-06 for Property Located at 2358, 2366, and 2380 Renwick Drive, Part of 3056 Short Road, and an Unaddressed Adjacent Parcel from Regional Commercial (C-3) and Catawba County R-20 to High Density Residential (R-4). (First Reading Vote: Unanimous)

X. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item XI.

Alderman Patton moved seconded by Alderman Williams approval of the Consent Agenda. The motion carried unanimously,

A. Approved Awarding the Service Weapon and Badge to Lieutenant Scott Hildebrand.

Hickory Police Department requests City Council to award retiring Lieutenant Scott Hildebrand his service weapon (Glock Model 17 - Serial # UHF221) and badge upon his retirement December 31, 2021. Lt. Scott Hildebrand will retire from the City of Hickory Police Department December 31, 2021, after completing 30 years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to Lt. Scott Hildebrand upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to Lt. Scott Hildebrand upon his retirement from Hickory Police Department.

B. Approved Awarding the Service Weapon and Badge to MPO Brian Ollis.

Hickory Police Department requests City Council to award retiring MPO Brian Ollis his service weapon (Glock Model 19 - Serial # BUBU4537) and badge upon his retirement December 31, 2021. MPO Brian Ollis will retire from the City of Hickory Police Department December 31, 2021, after completing over 24-years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to MPO Brian Ollis upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to MPO Brian Ollis upon his retirement from Hickory Police Department.

- C. Approved Awarding the Service Weapon and Badge to MPO James Mathis.

Hickory Police Department requests City Council to award retiring MPO James Mathis his service weapon (Glock Model 17 - Serial # UHF222) and badge upon his retirement January 31, 2022. MPO James Mathis will retire from the City of Hickory Police Department January 31, 2022, after completing 16-years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to MPO James Mathis upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to MPO James Mathis upon his retirement from Hickory Police Department.

- D. Approved Awarding the Service Weapon and Badge to MPO Robert Rollins.

Hickory Police Department requests City Council to award retiring MPO Robert Rollins his service weapon (Glock Model 17 - Serial # UHF156) and badge upon his retirement January 31, 2022. MPO Robert Rollins will retire from the City of Hickory Police Department January 31, 2022, after completing over 22-years of qualifying service to the citizens of Hickory. By authority of NC General Statutes, City Council may award the service weapon and police badge to MPO Robert Rollins upon his retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to MPO Robert Rollins upon his retirement from Hickory Police Department.

- E. Approved the Acceptance of a Grant from NC Governor's Crime Commission in the Amount of \$24,215.68.

Hickory Police Department requests approval to accept a grant from NC Governor's Crime Commission. Hickory Police requests approval to accept grant funds from the NC Governor's Crime Commission to purchase specialized safety equipment for crowd control and management of large gatherings. Hickory Police applied for and has been awarded grant funding from the NC Governor's Crime Commission to equip officers with specialized safety and crowd control equipment that would help to protect themselves and others at large gatherings and demonstrations. Currently Hickory Police has limited safety and crowd control equipment specific to this purpose. In the past few years, like most agencies across the nation, Hickory Police Department has planned and managed several large gatherings and events. It is the goal of Hickory Police to get as many officers as possible trained in FEMA's Mobile Field Force Operations and to partner with surrounding agencies in standardizing training and acquiring specialized equipment so that in the event of a major crowd event it would be adequately staffed, and officers would have all necessary safety equipment to manage the event. The specialized safety equipment provided by the grant includes gas masks, non-lethal crowd control equipment and personal size fire extinguishers that can be carried on each officer's person. Staff recommends acceptance of the NC Governor's Crime Commission grant in the amount of \$24,215.68 for gas masks and other officer safety supplies.

- F. Approved the Cemetery Deed Transfer from City of Hickory to Yvonne Robinson Roberts, Southside Cemetery, Plot L, Lot Nos. 13, 14, 15, 16, 17, and 18, Section 5, Containing 240 Square Feet. (Prepared by Deputy City Attorney Arnita Dula.

- G. Approved the Cemetery Deed Transfer from Yvonne Robinson Roberts, to City of Hickory, South Side Cemetery, Plot K, Lot Nos. 11 and 12, Section 5, Containing 80 square Feet. (Prepared by Deputy City Attorney Arnita Dula.

- H. Approved the Agreement for Engagement of City Attorney/Legal Counsel.

- I. Approved the Dedication and Naming of the Highway 127 Pedestrian Bridge on the City Walk to "Rudy Wright Bridge".

- J. Approved on First Reading Amending the Traffic Ordinance Reducing the Speed Limit to 25 MPH on E Avenue SE from 25<sup>th</sup> Street SE to 17<sup>th</sup> Street SE/C Avenue SE, 17<sup>th</sup> Street SE from E Avenue SE/C Avenue SE to B Avenue SE, and C Avenue SE from 16<sup>th</sup> Street SE to E Avenue SE/17<sup>th</sup> Street SE.

Staff requests Council's approval to implement a speed limit reduction to 25 mph along E Avenue SE from 25<sup>th</sup> Street SE to 17<sup>th</sup> Street SE/C Avenue SE, 17<sup>th</sup> Street SE from E Avenue SE/C Avenue SE to B Avenue SE, and C Avenue SE from 16<sup>th</sup> Street SE to E Avenue SE/17<sup>th</sup> Street SE. City Council implemented a Neighborhood Traffic Calming Program that enables citizens to request measures to improve traffic safety in the area where they own property. Citizens submit a required application to request measures and provide a reason for the request. Then, the City performs analysis to determine what, if any, measures are warranted. Citizens requesting traffic calming measures are required to complete and submit a petition with 75 percent of properties in favor of implementation for the request to move forward. Traffic Division staff received the

completed petition from property owners with regards to the Neighborhood Traffic Calming Program and found the property owners compliant with the guidelines. The petition qualifies for a speed limit reduction to 25 mph. Thirty-nine properties were included in the petition and twenty-nine properties signed in favor of implementation. This represents at least 75 percent approval, which meets the requirement. The necessary sign modifications along the roadway can be performed as a normal part of the Traffic Division's signs/markings shop operations. Staff recommends Council's approval to implement a speed limit reduction to 25 mph along E Avenue SE from 25<sup>th</sup> Street SE to 17<sup>th</sup> Street SE/C Avenue SE, 17<sup>th</sup> Street SE from E Avenue SE/C Avenue SE to B Avenue SE, and C Avenue SE from 16<sup>th</sup> Street SE to E Avenue SE/17<sup>th</sup> Street SE.

ORDINANCE NO. 21-42

AN ORDINANCE OF THE HICKORY CITY COUNCIL  
AMENDING THE TRAFFIC ORDINANCE AUTHORIZED IN THE  
HICKORY CODE OF ORDINANCES – ARTICLE III, SECTION 18-81

WHEREAS, Article III of the City of Hickory Code of Ordinances be and is hereby amended through the modification of the official maps authorized therein as follows, to wit:

Amend the Traffic Ordinance by reducing the speed limit along E Ave SE from 25th St SE to 17th St SE/C Ave SE, 17th St SE from E Ave SE/C Ave SE to B Ave SE, and C Ave SE from 16th St SE to E Ave SE/17th St SE to 25 mph.

All ordinances or provisions of the Hickory City Code of Ordinances which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

This Ordinance shall become effective immediately upon adoption.

- K. Approved the Resolution Authorizing the Renewing of the Lease for a Corporate Hangar with CommScope, Inc. of North America for an Additional Five-Year Period.

Staff requests Council's approval to renew the Corporate Hangar Lease with CommScope, Inc. of North America for an additional five-years as noted in the original lease dated September 18, 2012. Both parties agree with the original terms of the Lease. CommScope, Inc. entered into a Corporate Hangar Lease with the City of Hickory dated September 18, 2012, with an option to extend said lease for an additional five-year term upon the same terms and conditions with the exception of the annual rent. Said annual rent is currently \$79,200 with an increase of ten percent under the renewal option. CommScope has requested to exercise its right to said renewal period. The 5-year renewal period shall extend through December 31, 2026. CommScope wishes to continue to operate its corporate flight department from the Hickory Regional Airport and to retain its use of the hangar and office space currently being utilized under the Corporate Hangar Lease. Renewing the lease option is in direct line with the Airport Task Forces' mission to develop and expand the future of the Hickory Regional Airport. CommScope is a long standing, well-established company in Hickory and continues to grow its business and workforce. Staff recommends approval of the Resolution authorizing renewing the lease option with CommScope, Inc. of North America for an additional five-years.

Notice was advertised in a newspaper having general circulation in the Hickory area on November 5, 2021.

RESOLUTION NO. 21-54  
RESOLUTION OF AUTHORIZING THE LEASE OF PROPERTY

WHEREAS, the City Council of the City of Hickory has determined that real properties of the City of Hickory described below will not be needed by the City of Hickory for a lease period of five (5) years:

Property Description(s):

Corporate Hangar located at Hickory Regional Airport designated as hangar S-4, containing .67 acres more or less, said hangar and land, along with the improvements thereon

WHEREAS, the City of Hickory desires to lease the real properties of the City of Hickory described above; and

WHEREAS, the annual rent amount for said hangar will be \$87,120; and

WHEREAS, the term of the lease will be for a 5-year renewal period and shall extend through December 31, 2026; and

WHEREAS, pursuant to General Statute 160A-272, notice was published on November 5, 2021, in the Hickory Daily Record.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hickory authorizes the lease of the real property of the City of Hickory described herein above.

- L. Approved the Citizens' Advisory Committee Recommendation for Assistance through the City of Hickory's Housing Programs.

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on November 4, 2021; and is now being recommended for approval for assistance under the City of Hickory's 2021 Urgent Repair Program. This program provides qualified low-income citizens with assistance for emergency related repairs not to exceed \$10,000.

- Larry Bowser and Pamela Abernathy – 1017 2<sup>nd</sup> Street Place SE, Hickory – up to \$10,000.

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- M. Accepted the Offer of Public Dedication of Street Right-of-Way, being 3<sup>rd</sup> Street Court SW, Shown on a Plat Recorded in Plat Book 83, at Page 74, Catawba County Registry.

Staff requests Council's acceptance of the offer of public dedication of street right-of-way, being 3<sup>rd</sup> Street Court SW. This street is shown as a 30-foot-wide right-of-way on a plat recorded in Plat Book 83, Page 74 of the Catawba County Registry. In 2021, improvements began on 3<sup>rd</sup> Street Court SW, which provides access to properties being developed for affordable housing by the City's Community Development Division. The street has previously been in use for decades, however, to provide for future development the street right-of-way and pavement surfaces require widening. The City has been presented with an offer of dedication of street right-of-way as shown on a plat recorded in Plat Book 83, Page 74 of the Catawba County Registry. The area consists of 3<sup>rd</sup> Street Court SW. The street is being improved by the City of Hickory and will be inspected by the City of Hickory and will meet the construction requirements necessary for public maintenance. Public use and maintenance of the street right-of-way cannot occur unless City Council formally accepts the offer of public dedication by means of a duly executed Resolution. This requirement is outlined in the North Carolina General Statutes, as well as the City's Land Development Code. Staff recommends Council's approval, by Resolution, the acceptance of the offer of dedication for 3<sup>rd</sup> Street Court SW as shown on Plat Book 83, Page 74 of the Catawba County Registry.

#### RESOLUTION NO. 21-55

A RESOLUTION OF THE HICKORY CITY COUNCIL ACCEPTING THE OFFER OF PUBLIC DEDICATION OF LANDS AND IMPROVEMENTS KNOWN AS 3<sup>RD</sup> STREET COURT SW, WHICH IS DESCRIBED IN EXHIBIT A AS A 30 FOOT RIGHT-OF-WAY, AS RECORDED IN PLAT BOOK 83, PAGE 74 OF THE CATAWBA COUNTY REGISTRY.

WHEREAS, NCGS §160D-806 and Article 2, Section 2.3.6 of the Land Development Code provide that City Council may, by resolution, accept offers of public dedication made to the public of lands and facilities for streets, sidewalks, open spaces, and public utilities after verification from the City Engineer such properties and improvements are in a manner acceptable for acceptance; and

WHEREAS, the City of Hickory has been provided with an offer of public dedication of lands and improvements known as a segment of 3<sup>rd</sup> Street Court SW, which are described Exhibit A as a 30-foot right-of-way, as recorded in Plat Book 83, Page 74 of the Catawba County Registry; and

WHEREAS, the City of Hickory has reviewed the land and improvements placed upon them provided as part of the offer of public dedication, and such land and improvements have been found to be in compliance with standards in place for such land and improvements; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Hickory, North Carolina, the offer of public dedication for 3<sup>rd</sup> Street Drive SW, which is described in Exhibit A as a 30-foot right-of-way, as recorded in Plat Book 83, Page 74 of the Catawba county Registry, is accepted, subject to the following terms and conditions:

#### SECTION 1. Terms and Conditions of Acceptance:

1. The property owners shall guarantee all materials and workmanship for a period of 18 months from the date of official acceptance by the City Council;
2. The acceptance by the City Council shall not be interpreted in any way to relieve any developer, contractor, subcontractor, insurance company, owner, or other

person of his individual or several obligations under any ordinance, policy, or contract or to otherwise reduce or eliminate the rights of the city, its agents and employees against any other party connected with or in any way related to the development of the subdivision and facilities. The acceptance shall not be interpreted as a waiver of any defense or immunities that the city, its agencies, or employees may assert or be entitled to;

3. All rights, privileges and warranties of whatsoever nature and kind, for equipment, supplies, materials, goods, and services shall be assigned to the city and any and all benefits derived there from shall inure to the city, its agents, and employees. The acceptance of the lands and facilities shall be conditioned upon the owners covenanting and warranting that they are lawfully seized and possessed of all the lands and facilities dedicated to the public; that they have good and lawful authority to dedicate the same to the public for the stated purpose; that the lands and facilities are free and clear of any deed of trust, mortgage, lien or assessments and that the dedicators for their heirs, successors, executors, administrators, and assigns, covenant that they will warrant and defend the dedication of such land and facilities against any and all claims and demands whatsoever; and
4. Acceptance of dedication of lands and facilities shall not obligate the city to construct, install, maintain, repair, replace, extend, improve, build, or operate any public facilities or utilities which are not in existence as of the date of the acceptance of the lands and facilities. Such acceptance shall not obligate the city to construct any main, line, pipe, lateral, or other extension or permit connection to the city's water, sanitary sewer, storm sewer, drainage, or other public utilities systems.

SECTION 2. This Resolution shall become effective immediately upon adoption.

- N. Approved the Certificate of Sufficiency and Preliminary Resolution Relative to Street Improvements for Curb and Gutter along a Portion of the 600 Block of 8<sup>th</sup> Street Drive NW, Hickory, Petition No. 21-01. (Authorized Public Hearing for January 4, 2022, at 7:00 p.m. in Council Chambers of the Julian G. Whitener Municipal Building).

RESOLUTION NO. 21-56

PRELIMINARY RESOLUTION  
OF THE CITY COUNCIL OF THE CITY OF HICKORY  
(NO. 21-01)

WHEREAS, on the 22<sup>nd</sup> day of November 2021, property owners of 621 and 623 8<sup>th</sup> Street Drive NW, Hickory, filed with the City Engineer of the City of Hickory a petition for improving said street by placing and constructing thereon curb and gutter according to plans and specifications on file in the Office of the City Engineer; and

WHEREAS, the City Clerk has certified to this Board that said petition is sufficient in all respects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HICKORY:

1. That the above-mentioned petition is found to be sufficient in all respects.
2. That, that portion of 621 and 623 8<sup>th</sup> Street Drive NW, Hickory be improved by placing and constructing thereon curb and gutter in accordance with plans and specifications on file in the Office of the City Engineer under and by virtue of Chapter 160A, Article 10 of the General Statutes of North Carolina, and that said improvements be done by the City of Hickory or by contract after due notice and advertisement for bids, as outlined by Chapter 143, Section 129 of the General Statutes of North Carolina.
3. That 50 percent of the total cost of the said improvements may be assessed against the property receiving the improvement for constructing curb and gutter \$28.50 per linear foot for a total of 255 per linear foot excluding driveway cuts and \$57.25 per linear foot of driveway apron measured at its narrowest point for a total of 15 linear foot of driveway apron
4. That the assessment herein provided for shall be payable in cash, or if the property owners shall so elect, in accordance with Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina, they shall have the option and privilege of paying the assessment in five (5) equal annual installments, to bear interest at the rate of 8 percent per annum.
5. That a public hearing on all matters covered by this resolution shall be held on January 4, 2022, at 7:00 p.m. in the Council Chamber of the Julian G. Whitener Municipal Building, located at 76 North Center Street, Hickory, North Carolina.



Certificate of Sufficiency  
(No. 21-01)

I, Debbie D. Miller, City Clerk of the City of Hickory, North Carolina, do hereby certify that the annexed petition of property owners for the improvement of a portion of 621 and 623 8th Street Drive NW, Hickory was lodged with me on the 22nd day of November 2021, and that I have investigated the sufficiency of said petition; and that the results of my investigation are as follows:

The total number of owners of land abutting on the parts of said street proposed by said petition to be improved is two (2). The number of said owners who signed said petition is two (2), a majority.

The total number of lineal feet of said lands upon the parts of the street proposed by said petition to be improved is 270 feet. The number of said lineal feet represented by said owners who signed said petition is 270, a majority.

For the purposes of said petition a majority in interest of owners of undivided interest in any piece of property have been deemed and treated by me as one person.

I find that the said petition is in all respects sufficient and in conformity with all requirements of Chapter 160 A, Article 10 of the General Statutes of North Carolina, as amended. I find also the parts of said street proposed by said petition to be improved have been definitely laid out, and that the boundaries of same have been definitely fixed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Hickory, this the 22nd day of November 2021.

/s/ Debbie D. Miller

- O. Approved a Resolution regarding Condemnation of Properties for Temporary and Permanent Easements and Rights-of-Way for Construction of the Multi-Use Path System for the OLLE Art Walk.

Staff requests Council's approval of a Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-way for construction of a multi-use path system (OLLE Art Walk). The OLLE Art Walk is part of the larger Hickory Trail multi-use path system and bond program that seeks to increase quality of life for residents and spur economic revitalization by providing pedestrian and bicycle connectivity throughout the City. The OLLE Art Walk will create a connection between City Walk, via 9<sup>th</sup> Street NW and Old Lenoir Road, and Aviation Walk and the Riverwalk. Per North Carolina General Statutes Chapter 40A the City of Hickory has the power of eminent domain to acquire any property to improve streets, sidewalks, and establish or improve recreational facilities. The City has found it is in the public interest to acquire certain easements and rights-of-way for the construction of the mile, 10-foot- wide multi-use pathway for pedestrian and bicycle connectivity from the City Walk to the Riverwalk via 9<sup>th</sup> Street NW and Old Lenoir Road. The proposed Resolution authorizes staff and legal counsel to institute the condemnation proceedings on these properties. Staff recommends Council's approval of the Resolution regarding condemnation of properties for temporary and permanent easements and rights-of-way for construction of a multi-use path system for the OLLE Art Walk.

RESOLUTION NO. 21-57

RESOLUTION OF THE HICKORY CITY COUNCIL REGARDING CONDEMNATION OF PROPERTIES FOR TEMPORARY AND PERMANENT EASEMENTS AND RIGHT-OF-WAYS FOR CONSTRUCTION OF A MULTI-USE PATH SYSTEM

RECITALS:

WHEREAS, the City of Hickory (the "City") has the power of eminent domain and may acquire by purchase, gift, or condemnation any property for the purposes of, among other things, opening, widening, extending, or improving roads, streets, alleys, and sidewalks and establishing, enlarging, or improving parks, playgrounds, and other recreational facilities; and

WHEREAS, the City is authorized to institute any and all necessary legal actions under Chapter 40A of the North Carolina General Statutes to condemn and appropriate easements and rights-of-way for the above stated purposes; and

WHEREAS, the City has determined that it is necessary and in the public interest to acquire certain easements, either on a temporary or permanent basis, and fee simple rights-of-way in properties located in Hickory, North Carolina for the purpose of constructing a 10-foot-wide multi-use pathway to connect City Walk, Aviation Walk and Riverwalk. 0. The pathway will travel from the City Walk following 9<sup>th</sup> Street NW and Old Lenoir Road to connect with Riverwalk, as generally shown on the Overall Plan and Key Sheet prepared by Vaughn and Melton Consulting Engineers, Inc. , a copy of which is

attached hereto as Exhibit A (the "Project"). The pathway is commonly referred to as the "OLLE Art Walk. The City has determined that the taking is reasonably necessary to provide pedestrian and bicycle connectivity from the City Walk to Riverwalk; and

WHEREAS, the City finds that the acquisition, expansion and improvement of easements and rights-of-way over Lot Nos. 28, 30, 33, and 35 as shown on the plats prepared by Vaughn and Melton Consulting Engineers, Inc.; copies of which are attached hereto as Exhibit B, is necessary and serves a public purpose of improving the function and appearance of those areas and serves to provide bicycle and pedestrian connectivity and safety in the Project area; and

WHEREAS, the City has determined that it will be necessary to acquire by condemnation, either on a temporary or permanent basis, portions Lot Nos. 28, 30, 33, and 35 as shown on Exhibit B (the "Condemned Properties") to complete the Project.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City adopts as true and correct the foregoing recitals and incorporates them as findings herein.
2. For the purposes specified above, it is necessary, practical, and in the best interest of the public and the City that the City acquire, in its name, such easements, either on a temporary or permanent basis, and fee simple rights-of-way in the Condemned Properties as may be required and which are necessary for completion of the Project.
3. The City, its officers, employees and attorneys, including designated outside counsel, be and are hereby authorized and directed to proceed to take the necessary steps to institute and prosecute such necessary actions and proceed as may be proper for the acquisition of easements, either on a temporary or permanent basis, and fee simple rights-of-way in said Condemned Properties by eminent domain proceedings pursuant to Chapter 40A of the North Carolina General Statutes, and to prepare, sign, execute, serve, publish and file in the name of the City all eminent domain papers, affidavits and pleadings and said attorneys are authorized to have prepared such other instruments and documents as may be necessary in connection therewith.
4. The City finds and determines that the Condemned Properties are necessary for the public purposes of construction of the Project and hereby authorizes the acquisition of said Condemned Properties by eminent domain proceedings. The City further authorizes the City attorney, her staff or designated outside counsel to correct minor errors or scrivener's errors to said descriptions, if any, with regard to the condemnation proceeding without further action of this council.
5. The City Director is authorized to have the construction plans updated, revised, or corrected, and to utilize such plans in the condemnation action, including committing to said plans, updates, revisions, or corrections, without further action by this council.
6. The City finds and determines that just compensation for the taking of the Condemned Properties in each particular case is as follows:
  - A. JDW HICKORY, LLC  
PARCEL 28  
DB 3536, PG 0431  
TAX P.I.N. 279316946583  
Just Compensation for Take of Interests in Parcel 28: \$34,575.00
  - B. FUSE PROPERTIES, LLC  
PARCEL 30  
DB 3306, PG 0493  
TAX P.I.N. 279316943694  
Just Compensation for Take of Interests in Parcel 28: \$325.00
  - C. HARRISON REID, JR.  
PARCEL 33  
DB 1444, PG 0239  
TAX P.I.N. 279312952009  
Just Compensation for Take of Interests in Parcel 33: \$1,950.00
  - D. DIVISION 5, LLC  
PARCEL 35  
DB 3588, PG 1926  
TAX P.I.N. 279312857062  
Just Compensation for Take of Interests in Parcel 35: \$51,375

THIS RESOLUTION shall become effective immediately upon adoption.

XI. Items Removed from Consent Agenda – None

XII. Informational Item

XIII. New Business:

A. Public Hearings

B. Departmental Reports:

1. Appointments to Boards and Commissions

**CITIZENS ADVISORY COMMITTEE**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Small Cities Project Area

VACANT

**COMMUNITY APPEARANCE COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

**HISTORIC PRESERVATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Licensed Architect (Council Appoints)

Ernie Sills

(Not Eligible for Reappointment)

At-Large (2)(Council Appoints)

Mary Moorer

(Eligible for Reappointment/Does Not Wish to Serve Again)

Alderman Seaver nominated Robert Burghardt as the Licensed Architect Representative on the Historic Preservation Commission.

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 1 (Wood Appoints)

VACANT

(Dianne Straley no longer Eligible for Ward 1 due to Redistricting)

Ward 3 (Seaver Appoints)

VACANT

(Beth Schauble Resigned 11-10-2021)

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 4 (D. Williams Appoints)

VACANT

At-Large (Mayor Appoints)

Beth Bowman

(Not Eligible for Reappointment)

At-Large (Mayor Appoints) (Harold Humphrey Resigned 11-4-2021)

VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard

VACANT

Homeschool

VACANT

**WESTERN PIEDMONT COUNCIL OF GOVERNMENTS POLICY BOARD DELEGATE**

Nominate Delegate and Alternate

Alderman Patton is current Delegate

Alderman Williams is current Alternate

Mayor Guess nominated Alderman Patton as Delegate and Alderman Williams as Alternate on the Western Piedmont Council of Governments Policy Board.

Mayor Guess moved, seconded by Alderman Seaver approval of the above nomination(s). The motion carried unanimously.

C. Presentation of Petitions and Requests

XIV. Matters Not on Agenda (requires majority vote of Council to consider)

City Manager Warren Wood commented Council would need to vote to add an item and then actually vote on the item. He advised they had received bids for the Biosolids Facility on November 23<sup>rd</sup> and the bids came in at \$35 million plus or minus. They had \$30 million programmed for that project. They were going to need to go back and amend the specifications to try to get the number down closer to the \$30 million.

Mayor Guess moved, seconded by Alderwoman Patton to add the item to the agenda. The motion carried unanimously.

City Manager Warren Wood advised the item that needs to be voted on in terms of the action for the individual item was the rejection of the bids that were received on November 23<sup>rd</sup> for the Biosolids Project and then direct staff to work with the engineering firm to amend the design specifications to get the number down.

Alderman Seaver questioned the number of bids received.

City Manager Warren Wood advised they received three. He noted that \$34.8 million was the low bid and they were all relatively close.

Mayor Guess moved, seconded by Alderman Seaver that they reject those bids and that they pursue a lower bid at this time. The motion carried unanimously.

XV. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

City Manager Warren Wood offered special thanks to Melissa Miller, her staff, and the finance department for the audit work.

Mayor Guess commented Deputy City Manager Rodney Miller and Cameron McHargue do a great job every year continually and they appreciated that very much.

XVI. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)

Mayor Guess adjourned the meeting to go into closed session to consult with the attorneys to discuss the items below.

1. Approval of Closed Session Minutes of November 16, 2021 - NCGS §143-318.11(a)(1)
2. Discussion of Pending Opioid Litigation – NCGS §143-318.11(a)(3)

Council convened to closed session at approximately 7:29 p.m.

Council reconvened to open session at approximately 7:36 p.m.

No action was taken upon return to open session.

XVII. There being no further business, the meeting adjourned at 7:36 p.m.

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Mayor

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City Clerk